



**HISTORIC LANDMARKS COMMISSION  
HEARING SYNOPSIS**

**WEDNESDAY, OCTOBER 1, 2003**

**Evening Session  
6:00 P.M.  
City Council Chambers  
City Hall, Room 205  
801 North First Street  
San Jose, CA**

**COMMISSION MEMBERS**

**GLORIA SCIARA, CHAIR  
STEPHEN POLCYN, VICE CHAIR**

**AVELINO LEGASPI  
MICHAEL YOUMANS**

**SANDRA PAIM  
JUSTINE LEONG**

**EDWARD JANKE**

**STEPHEN M. HAASE, AICP, DIRECTOR  
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

## **NOTE**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

## **NOTICE TO THE PUBLIC**

Good evening, my name is **Gloria Sciara**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **October 1, 2003** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

When addressing the Commission, please approach the Commission, identify yourself and state your address for our records. After you have finished speaking, please write your name and address on the speaker's list at the table.

### **The procedure for public hearings is as follows:**

- ? After the staff report, applicants may make a five-minute presentation.
- ? Anyone wishing to speak in favor of the proposal should prepare to come forward. Each speaker will have two minutes.
- ? After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. Each speaker will have two minutes.
- ? Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

### **The procedure for referrals is as follows:**

- ? Anyone wishing to speak on a referral will be limited to one minute.
- ? Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The Historic Landmarks Commission will comment on the referral item.

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience.

## **AGENDA**

### **ORDER OF BUSINESS**

#### **6:00 PM SESSION**

#### **1. ROLL CALL**

**5-0-2, JANKE AND PAIM, ABSENT**

#### **2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**The matter of deferrals is now closed.**

#### **3. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.**

- a. **APPROVAL OF THE SEPTEMBER 3, 2003 HISTORIC LANDMARK COMMISSION SYNOPSIS.**
- b. **MA02-003. HISTORICAL PROPERTY CONTRACT FOR THE HOTEL METROPOLE**, City Landmark No. HL88-046, in the CG Commercial General Zoning District, located at the northwest corner of South Market and Post Streets. Florin II, LTD, owner. Council District 3. CEQA: Exempt.

**STAFF RECOMMENDATION: THE HISTORIC LANDMARKS COMMISSION RECOMMEND THE CITY COUNCIL MAKE THE FOLLOWING FINDINGS:**

- A. **THE PROPOSED CONTRACT IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF OFFICE BECAUSE (1) THE PROPOSED OFFICE USE IS CONSISTENT WITH THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION OF OFFICE, AND (2) THE PROPOSAL ENCOURAGES THE CONTINUATION AND**

**APPROPRIATE EXPANSION OF FEDERAL AND STATE PROGRAMS WHICH PROVIDE TAX AND OTHER INCENTIVES FOR THE REHABILITATION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT STRUCTURES.**

- B. THE PROPOSED CONTRACT PROVIDES GREATER PROTECTION FOR THE LANDMARK PROPERTY THAN IS OTHERWISE PROVIDED BY THE PROVISIONS OF MUNICIPAL CODE CHAPTER 13.48 BECAUSE THE OWNER, IN PARTNERSHIP WITH THE CITY, MAY USE PROPERTY TAX RELIEF TO REHABILITATE AND MAINTAIN THE PROPERTY IN ACCORDANCE WITH THE PRESERVATION PLAN, EXHIBIT “C”.**
- C. THE PROPOSED CONTRACT COMPLIES WITH THE REQUIRED PROVISIONS OF HISTORIC PROPERTY CONTRACTS LISTED ABOVE.**

The Consent Calendar is now closed.

Approved (5-0-2), Janke and Paim absent

**4. PUBLIC HEARINGS**

- a. ADDITION OF QUALIFYING EAST DOWNTOWN FRAME HISTORIC PROPERTIES TO THE HISTORIC RESOURCES INVENTORY.**
  - 1. The inclusion of the qualifying properties located within Geographic Area No. 2, defined by East San Salvador Street to the north, Highway 280 to the south, South 6<sup>th</sup> Street to the west and South 8<sup>th</sup> Street to the east, on the City of San Jose Historic Resources Inventory. Council District: 3. CEQA: Exempt.**
  - 2. The inclusion of the qualifying properties located within Geographic Area No. 3, defined by East San Salvador Street to the north, Highway 280 to the south, South 8<sup>th</sup> Street to the west and South 9<sup>th</sup> and 10<sup>th</sup> Streets to the east, on the City of San Jose Historic Resources Inventory. Council District: 3. CEQA: Exempt.**

**STAFF RECOMMENDATION: THE HISTORIC LANDMARKS COMMISSION CONSIDER AND ADD THE QUALIFYING EAST DOWNTOWN FRAME SURVEY HISTORIC PROPERTIES IDENTIFIED IN GEOGRAPHIC AREA NO.2 AND NO.3 TO THE CITY OF SAN JOSE HISTORIC RESOURCES INVENTORY.**

Commissioner Youmans noted that he visited all of the properties in the two Geographic areas and that he was concerned that the residence located at 755 S. Tenth St. has been recently severely altered by filling in the front porch. He further observed that many buildings that might not qualify individually, qualify as historic fabric within a neighborhood context.

**Commissioner Legaspi noted that 302 William St. is in poor condition.**

**HPO Damkroger added that the use of the California Historic Building Code (CHBC) by Inventory Properties is an incentive for rehabilitation, and that there is a difference between condition and integrity in evaluating a historic resource.**

**The owner of one of 377 E. Reed St., Gene Della Maggiore spoke to ask that his property not be added to the Inventory because the front addition was built c.1948 and he is concerned about added building permit costs.**

**Staff responded that sub-permits in the Building Division should not include extra fees for historic properties, while building permits that involve exterior alterations have an hourly fee associated with coordination with planning staff. The availability of the CHBC is also an incentive providing flexibility for potentially expensive code-mandated alterations.**

**Another resident, Bill Ellington, spoke to say that it was a misconception that the area around San Jose State University was historic. He said that it was made up of old houses that have been butchered over time to accommodate low cost student housing. Mr. Ellington felt the Commission should be more selective about historic properties and only add them to the Inventory in agreement with the owners. He continued that this area is ripe for future high-density residential development, and that the addition of properties to the Inventory was an effort by the City to thwart private development.**

**Commissioner Youmans said that he appreciated that property owners' concerns about the HRI, but that it is important for the City to know what it has and to balance neighborhood conservation with development. He said that with the exception of the property at 755 S. Tenth St., he supported the additions as presented.**

**Vice chair Polcyn noted that like Commissioner Youmans, he appreciated the owners' comments and that it was important for staff to communicate that the proposed additions are not forming a historic district as of yet, but that these contributing structures contribute to the fabric of the whole neighborhood. Past problems such as inappropriate alterations and infill can bring down the aesthetic and visual quality of the whole neighborhood as well. Preservation may lose the battle to development, but at least it has been brought to the City's attention, rather than demolishing structures without any evaluation.**

**HPO Damkroger expanded on Commissioners' comments by noting that staff conducted community meetings, notified neighborhood associations, notified property owners and placed information on the Planning website, because the City wants this to be a positive process. Of the over 3,000 properties listed in the Inventory (HRI), only 148 of them are designated City Landmarks, requiring HP Permits. Furthermore, listing does not prevent**

**demolition and properties that do not qualify for the California Register of Historical Resources or as City Landmarks are not subject to CEQA review.**

**Chair Sciara continued that the Inventory addition process is a what to categorize a collection of structures within a broader area and to understand the character of an area.**

**Commissioner Leong asked whether owner consent was required to add a property to the HRI. HPO Damkroger responded that it is not.**

**STAFF RECOMMENDATION ADOPTED WITH THE EXCEPTION OF THE PROPERTY LOCATED AT 755 S. 10<sup>TH</sup> ST. STAFF TO RETURN AT THE NOVEMBER 5<sup>TH</sup> MEETING WITH A RECOMMENDATION REGARDING THE PROPERTY AT 755 S. 10<sup>TH</sup> ST. (5-0-2) JANKE AND PAIM, ABSENT.**

- b. DISCUSSION AND COMMENT REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BRANDENBURG MIXED USE/NORTH SAN PEDRO HOUSING SITES**, project for the development of approximately 60,000 square feet of commercial uses, approximately 1,500 residential units and the realignment of West Julian Street between North Market Street and West Saint James Street located generally east of State route 87, south of the Union Pacific Railroad line, north of West St. James Street, and west of Market Street. The proposed project requires an amendment to the San Jose 2020 General Plan, rezoning, and associated landuse permits, development agreements, acquisition and assembly of property, street abandonment and infrastructure improvements. Council District 3.

**Commissioner Youmans expressed concern that the property listed at 151 Devine St. was proposed for possible demolition and was not included in the mitigation measures. He also noted that there was no DPR in the DEIR for this property.**

**David Panagore from the San Jose Redevelopment Agency stated that the proposed project no longer includes funding in the budget to acquire the property at 151 Devine Street, and that the proposed project includes plans to enlarge Pellier Park, but there are currently no plans for the statute. Mr. Panagore also reiterated that mitigation measure for potential construction impacts are proposed for those historic properties that abut the project.**

**Commissioner Youmans stated that he preferred to see the building at 181 Devine reused rather than demolished or replaced.**

**THE COMMISSION VOTED ON A MOTION TO HAVE STAFF DRAFT A LETTER ON BEHALF OF THE COMMISSION, TO BE REVIEWED AND SIGNED BY CHAIR SCIARA, SUPPORTING THE MITIGATION MEASURES IN THE DEIR AS WELL AS RECOMMENDING ADAPTIVE**

**USE, RATHER THAN DEMOLITION, OF THE STRUCTURE LOCATED AT 151 DEVINE ST. APPROVED (5-0-2) JANKE AND PAIM, ABSENT.**

- c. **DISCUSSION AND COMMENT REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL ELECTRIC GENERAL PLAN AMENDMENT (GP03-07-07)** to change the land use designation on the 55.1-acre site from Heavy Industrial (48.5 acres) and Industrial Park (6.6 acres) to General Commercial, located at the northwest corner of Curtner Avenue and Monterey Road, in central San Jose. Council District 7.

**HPO Damkroger reported that the DEIR was sent to the Commissioners on August 29, 2003 and the comment period ends on October 20, 2003. The Planning Commission Hearing for Certification of the EIR is scheduled for November 19, 2003. The DEIR identifies existing historic resources on the site and requires additional Environmental Review of any development proposal that would significantly impact those Resources.**

**Commissioners noted that GE Motor plant Building E was clearly very significant. Commissioner Youmans stated that demolition of the Motor Plant building would be unacceptable, particularly given the few examples of this architectural style in San Jose. Commissioner Youmans stated that every effort should be made to integrate the building into future development plans.**

**Commissioner Leong stated that the building directly off of Monterey Road is very significant to the street, that she would encourage analysis of impacts to that building, and wondered whether the impact of the GP Amendment on Oak Hill Cemetery had been analyzed.**

**Commissioner Legaspi stated his interest in touring the site.**

**Vice chair Polcyn agreed that the building is important. He saw it as similar to IBM Bldg. 25 in terms of how its cultural and architectural contribution compliment the history of industrial development in the valley. He took issue with the language on p. 51 of the DEIR "Redevelopment of the project site could result in removal of the 1948 motor plant building, which appears eligible for the California Register of Historical Resources." as setting a precedent for the building's removal. Polcyn stated that the Commission should be clear at this stage that removal of the building should not occur.**

**Chair Sciara stated that the Commission should do its part now to recognize and preserve the Motor Plant and suggested the Commission direct staff to prepare a City Landmark nomination for the building. Sciara stated that designating the building now may help to integrate it into future development considerations.**

**THE COMMISSION VOTED ON A MOTION TO PREPARE A RESPONSE LETTER TO THE DEIR INCORPORATING COMMISSION**

**COMMENTS AND TO BE REVIEWED AND SIGNED BY CHAIR SCIARA ON BEHALF OF THE HLC. APPROVED (5-0-2) JANKE AND PAIM, ABSENT.**

**THE COMMISSION VOTED TO PURSUE CITY LANDMARK DESIGNATION OF THE MOTOR PLANT BUILDING (BUILDING E). APPROVED (5-0-2) JANKE AND PAIM, ABSENT.**

## **5. PETITIONS AND COMMUNICATIONS**

Public comments to the Historic Landmarks Commission on nonagendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.
- a. Verbal update on Japantown survey project  
**The RFP was sent out for the historical context and reconnaissance level survey work, and seven responses were received. The committee met to draft evaluation for the proposals. Evaluations and interviews will take place in October and early November.**
  - b. Adolph Pfister information provided by Maria Brand  
**No Report**
  - c. Selection of an HLC member to serve on the Coyote Valley Specific Plan and Habitat Conservation Plan Technical Advisory Committee  
**Deferred to November 5, 2003 HLC Meeting to include Commissioners Janke and Paim in the consideration.**
  - d. Distribution of Historic Landmarks Commission comment letter on the Draft Environmental Impact Report for Lowe's Home Improvement Warehouse, Cottle Road, South San Jose, Planned Development Rezoning  
**The Commission voted to authorize Vice Chair Polcyn and Chair Sciara to represent the HLC at the Planning Commission Hearing to comment on the DEIR. Approved (5-0-2), Janke and Paim, absent.**
  - e. Verbal Update on Design Guidelines for Downtown Commercial Historic District and Proposed Zoning Code Amendment for the Downtown Zoning Regulations  
**As reported at last month's meeting, the City Council requested changes to the Guidelines in August. The changes have been made and Staff is to report back to the City Council by the end of October.**



- f. Distribution of a Memorandum to the Planning Commission regarding the Proposed Zoning Code Amendment-Downtown Zoning Regulations

**Commissioners stated their concerns about the current proposal, effects to the public process and the lack of community outreach.**

**HPO Damkroger reminded the Commission that this item can not be discussed as it was placed on the agenda for distribution and not for discussion.**

**Chair Sciara suggested Commissioners review the Memorandum and voice concerns at the Planning Commission Hearing as individuals rather than as Commissioners.**

**Public Comment**

- ? **Bonnie Montgomery spoke on behalf of Rusty Lutz, the owner of 311 N. 2<sup>nd</sup> St., The Moody Flats Apartment Building , recently designated City Landmark No. HL03-148, inviting the Commission to an Open House in celebration of the Building's 100<sup>th</sup> Birthday on Oct. 11, 2003, 1pm –3pm.**
- ? **Judith Henderson spoke to say that she was deeply concerned about the current Council discussions over the last couple of weeks to remove the Commission and the public's input into the development review process. Ms. Hendersen encouraged the Commission to speak out on this issue stating that the HCL has historically been a voice for the public process. Ms. Hendersen encouraged the HLC to join with PAC SJ to voice its concerns.**

**Alluding to both the Downtown Zoning proposal and the current "Getting Families Back to Work" effort, Ms. Hendersen stated that the current administration can not decide what is right for historic resources. She asked that the Commission not let the voices of those who fought for twenty years to put in place the protection San Jose now has for historic resources go unheard.**

**Chair Sciara suggested the Historic Landmarks Commission hold an emergency meeting to draft recommendations to present to the City Council.**

**Vice Chair Polcyn agreed the changes warrant further discussion. He understood the fundamental change in permitting through the use of the Downtown Design Guidelines, but would like to hear what changes Ms. Henderson and others worked for that are being lost.**

**Ms. Henderson explained further that the issues are larger than the changes to the Downtown Commercial Zoning District regulations. The Getting Families Back To Work Memo came out too late for the public to**

read before the City Council discussed it. She questioned how Historic Properties are being affected.

The commission asked planning staff to contact Commissioners to schedule and notice a special meeting for the week of October 20<sup>th</sup>.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

- a. **ST03-008. STREET RENAMING OF KING ROAD**, a public street, to Martin Luther King Road located between Berryessa Road and Silver Creek Road.

**DEFERRED TO NOVEMBER 5, 2003**

- b. **PDC00-115. PLANNED DEVELOPMENT REZONING** from R-M Residential District to A(PD) Planned Development District to allow demolition of an existing historic single family residence and construction of two single-family attached units on a 0.14 gross acre site, located at/on the westside of South 11th Street approximately 140 feet north of Margaret Street (671 S 11TH ST) (Raymond Ruiz, Owner). Council District 03. SNI: University. CEQA: Exempt.

Architect Marvin Bamburg presented a street elevation drawing of the project. He explained that he tried to incorporate the craftsman style of the historic resource into the new project, after trying eight scenarios for saving the resource – none of which created a saleable product.

Commissioner Youmans commented that he would like to see the use of the *Your Old House Design Guidelines* to allow expansion of the historic structure while maintaining the existing character of the street.

Commissioner Legaspi commented that the proposal was a radical change that would destroy the integrity not only of the house, but of the area.

Chair Sciara noted that she was concerned about losing another historic resource. The building clearly has integrity and it would be possible to share the driveway and build a unit behind it. She commented further that there were a lot of neighborhood improvements going on in the area, and that there were other options to demolition. Therefore, she would not support the demolition.

Commissioner Leong agreed with Commissioners Youmans, Legaspi and Chair Sciara. The applicant should review *Your Old House* to add onto the back of the house so as not to negatively affect the street.

Commissioner Polcyn also agreed with the previous suggestions regarding *Your Old House*. He continued to say that he was concerned with the type of building proposed, in that it was not consistent with the type and massing of the single family house with a detached garage, characteristic of the area. The proposed project would change the basic nature of the structure to a

**duplex with two front-on garage doors. He was concerned about the integrity of the street.**

**Chair Sciara summarized the Commission discussion stating that the Commission does not support loss of the house and that the duplex design should be done more in keeping with “Your Old House.”**

**7. GOOD AND WELFARE**

**a. Report from the Redevelopment Agency**

? **No Report**

**b. Report from the Secretary**

? Status of Circulation of Environmental Review Documents--None  
**No Report**

? November 5, 2003 HLC meeting in Room 204, not Room 205.

**c. Report from the Subcommittees**

Staff stated that HLC committee membership would be placed on the November agenda to allow for absent commissioners to participate in the discussion. The October DRC meeting will be held by the existing committee members: Leong, Sciara and Polcyn.

**No Other Reports**

? Design Review

? St. James Park—currently inactive

? *Ad Hoc* Survey Committee—currently inactive

? Standard permit language for Historical Archeology—currently inactive

? History San Jose Collections Committee Liaison

**8. ADJOURNMENT**

**APPROVED (5-0-2) JANKE AND PAIM , ABSENT**

## 2003 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
October 1, 2003	6:00 p.m.	Regular Meeting	Room 205
October 15, 2003	12:00 p.m.	Design Review Meeting	Room 400
<b>November 5, 2003</b>	<b>6:00 p.m.</b>	<b>Regular Meeting</b>	<b>Room 204</b>
November 19, 2003	12:00 p.m.	Design Review Meeting	Room 400
December 3, 2003	6:00 p.m.	Regular Meeting	Room 205
December 17, 2003	12:00 p.m.	Design Review Meeting	Room 400

### HISTORIC LANDMARKS AGENDA ON THE WEB:

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>